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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,443	06/18/2001	Reinhold Elferich	DE000089	2799

24737 7590 03/03/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

DONOVAN, LINCOLN D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

7/1

Office Action Summary	Application No.		Applicant(s)	
	09/883,443		ELFERICH ET AL.	
	Examiner		Art Unit	
	Lincoln Donovan		2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of embodiment 1, figure 1, in the reply filed on 12-28-06 is acknowledged. The traversal is on the ground(s) that for the examiner to search all of the embodiments, as claimed, places no "serious burden on the examiner if the restriction is not required." This is found persuasive because the search review of the application did not impose a serious burden on the examiner. The restriction is withdrawn and all of the claims are examined on merit.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sensors being accommodated in the interior of the rotary knob, the push-button function and sensing arrangement to detect the pushed in position, the graphical user interface and control element and associated circuit to provide additional feedback in the form of synthesized speech when a menu item on the graphical user interface is reached must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, in line 5, there is no antecedent basis for "the gap."

Regarding claim 3, in line 4, there is no antecedent basis for "the bearing and sealing area." In line 5, there is no antecedent basis for "the suspension substance."

Regarding claim 4, in line 3, there is no antecedent basis for "the ring" or "the sealing element." In line 4, it is not clear what applicant intends by the fluid being "adapted to perform the function of a bearing."

Regarding claim 5, in line 3, there is no antecedent basis for "the entire mechanical structure" or "the required sensors." Applicant has not clearly defined what is intended by "the *required* sensors."

Regarding claim 6, in lines 4-5, there is no antecedent basis for "the stationary part of the magnetic circuit."

Regarding claim 7, in line 4, there is no antecedent basis for "the Hall sensors" and "the sensor magnet." In line 5, the arrangement intended by "in such a manner" is unclear. In lines 5-6, there is no antecedent basis for "the push-button function."

Regarding claim 10, in line 4, applicant should clarify how the latching and braking functions are dependent upon time.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Carlson [US 6,117,093].

Regarding claims 1-2, Carlson discloses a control element [figure 8] having a rotary knob [40] and a magnetic circuit with at least one coil [80] characterized in that the rotary knob is supported so as to be rotatable with respect to at least a part of the

magnetic circuit [figure 8] and forming a gap therebetween wherein the gap is filled with a magnetorheologic (MR) fluid [84, column 4, lines 17-31] extending in a radial direction [figure 8] and the coil is arranged to exert a variable braking action on the rotary knob [column 4, lines 32-50].

Regarding claims 3-4, Carlson discloses the control element including a casing [64, 66] to contain the MR fluid, a sealing element [76] and a bearing means [78].

Regarding claim 8, Carlson discloses a feedback circuit [30, figure 8] for controlling the output of the coil [column 4, lines 37-55].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welles [US 4,415,856].

Carlson disclose everything claimed except the control element incorporating a position sensing means mounted within the rotary knob.

Welles discloses a rotary switch assembly [figure 2] with a knob [50] supporting a magnet means [11] cooperating with hall sensors [12a-b].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the position detection means in a magnetorheological rotary switch assembly similar to that of Carlson, as suggested by Welles, in order to

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enable detection of the rotary switch position and provide control functions accordingly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made that the sensor elements could have been switched with the magnet, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson, as modified, as applied to claims 5-6 above, and further in view of Miwa et al. [US 6,420,667].

Carlson, as modified, disclose everything claimed except the rotary knob being a push-pull type controller.

Miwa et al. discloses a controller [figure 2] having a rotary knob with an push button [21, 23] both cooperating with a controller [10, figure 3].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a push function in addition to the rotary function of the controller of Carlson, as modified, in order to enable the controller to provide additional control functions.

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Rosenberg et al. [US 6,956,558].

Carlson discloses everything claimed except the switch being used to provide to provide specific control and in a graphical user interface.

Rosenberg et al. discloses a rotary force feedback switch using magnetheological fluid [column 14, lines 7-31] to control specific operations for a GUI or other electronic device based on inputs from a sensor interface [figure 4].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the controller assembly design of Carlson for an electronic device control, as suggested by Rosenberg et al., in order to provide tactile feedback to the controller user.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson, as modified, as applied to claim 10 above, and further in view of Naghavi et al. [US 20030050539].

Carlson, as modified, disclose everything claimed except the control element providing an additional feedback system providing synthesized speech.

Naghavi et al. discloses a graphical user interface providing speech synthesis [paragraph 54].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the speech synthesis with Carlson, as modified, as suggested by Naghavi et al., in order to facilitate use of the controller by blind people.

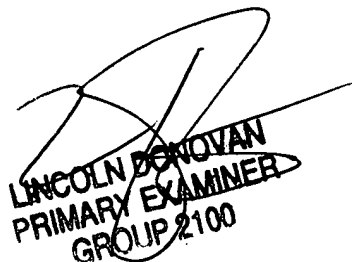
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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